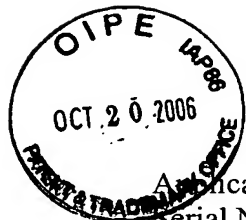


10-23-06

Attorney's Docket No.: 17109-012001

# 17109



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rene Gantier et al.  
Serial No. : 10/658,834  
Filed : September 8, 2003  
Cust. No. : 20985  
Title : RATIONAL EVOLUTION OF CYTOKINES FOR HIGHER STABILITY,  
THE CYTOKINES AND ENCODING NUCLEIC ACID MOLECULES

Art Unit : 1631  
Examiner : Russell Scott Negin  
Conf. No. : 7681

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith is an Election and Preliminary Amendment in Response to the to the Office Actions, mailed February 10, 2006 and April 20, 2006, a Replacement Drawing Sheet, an Annotated Marked-Up Drawing Sheet, a check (\$1080) for the requisite fee for a five-month extension of time, and a return postcard. If a Petition for extension of time is needed, this paper is to be considered such Petition.

**Extension fee for a five-month extension of time:**

- ☒ By a **small** entity.....\$1080.00
- ☒ The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

Stephanie Seidman  
Reg. No. 33,779

Attorney Docket No. 17109-012001/922  
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CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" Mailing Label Number EV 740120725 US  
Date of Deposit October 20, 2006  
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Stephanie Seidman

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Rene Gantier et al.

Art Unit : 1631

Serial No. : 10/658,834

Examiner : Russel Scott Negin

Filed : September 08, 2003

Cust. No. : 7681

Conf. No. : 7681

Title : RATIONAL EVOLUTION OF CYTOKINES FOR HIGHER STABILITY,  
THE CYTOKINES AND ENCODING NUCLEIC ACID MOLECULES**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**ELECTION AND PRELIMINARY AMENDMENT**

Dear Sir:

Responsive to the supplemental Requirement for Restriction, mailed April 20, 2006, restarting the clock for response to the Requirement for Restriction, mailed February 10, 2006, Applicant elects, with traverse, the subject matter of Group I, directed to a modified cytokine set forth in original claims 1-24, 40-48, 139-144, 306-331. Further, Applicant elects, with traverse, a polypeptide containing a sequence of amino acids set forth in SEQ ID NO:87, which sets forth a modified IFN $\alpha$ -2b polypeptide having a single amino acid replacement in SEQ ID NO:1 corresponding to replacement of E by Q at position 41. Claims 1, 5-9, 16-19, 21-23, 40, 43-44, 46-74, 139-144, 279, 306-308, 315-316 and 332-343 read on the elected molecule. Applicant also elects, with traverse, the species of a single mutant corresponding to replacement of E by Q at position 41 in an interferon alpha gene family of molecules. Claims 1, 5-9, 16-19, 21-23, 40, 43-44, 46-74, 139-144, 279, 306-308, 315-316 and 332-343 as pending read on the elected molecule. In addition, please amend the application as follows:

**Amendments to the specification** begin on page 2 of this paper.

**Amendments to the Figures** begin on page 6 of this paper.

**Amendments to the claims** are reflected in the listing of the claims, which begins on page 7 of this paper.

**Remarks** begin on page 23 of this paper.

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Date of Deposit: October 20, 2006

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Stephanie Seidman